

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DEMETRIUS SHERMAN JOSEPH, SR. §
VS. § CIVIL ACTION NO. 1:17-CV-235
ANNUNCIA WRIGHT §

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ACCEPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Demetrius Sherman Joseph, Sr., a prisoner previously confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Annuncia Wright.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends granting defendant's motion for summary judgment.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). For the reasons stated in the Magistrate Judge's Report and Recommendation, plaintiff has not shown that the defendant was deliberately indifferent

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to his serious medical needs. *Farmer v. Brennan*, 511 U.S. 825, 832 (1994). Plaintiff's disagreement with his medical treatment does not rise to the level of a constitutional violation. *Norton v. Dimazana*, 122 F.3d 286, 292 (5th Cir. 1997). As a result, the defendant is entitled to qualified immunity, and the Magistrate Judge correctly concluded that the defendant's motion for summary judgment should be granted.

ORDER

Accordingly, plaintiff's objections (document no. 113) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 101) is **ACCEPTED**. Defendant's motion for summary judgment (document no. 77) is **GRANTED**. A final judgment will be entered in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 9th day of July, 2020.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE